

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WAYMAN TATUM,

Plaintiff,

-against-

MEMORANDUM AND ORDER  
09-CV-3588(JS)(ETB)

SUFFOLK COUNTY,

Defendant.

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APPEARANCES:

For Plaintiff: Wayman Tatum, Pro Se  
403916  
Suffolk County Correctional Facility  
110 Center Drive  
Riverhead, New York 11901

For Defendants: Richard T. Dunne, Esq.  
Suffolk County Department of Law  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Hauppauge, New York 11788

SEYBERT, District Judge:

By Order dated January 14, 2010, the Court afforded the pro se Plaintiff, Wayman Tatum, ("Plaintiff") a third and final opportunity to amend his Complaint and ordered that the Amended Complaint be filed with the Court by February 22, 2010. By way of background, the Court sua sponte dismissed the Plaintiff's Complaint by Order dated November 3, 2009 and granted Plaintiff until December 1, 2009 to file an Amended Complaint. Notwithstanding the Court's warning in the November 3, 2009 Order that Plaintiff's Complaint would be dismissed for failure to prosecute if Plaintiff did not timely file an Amended Complaint, given Plaintiff's pro se status, the Court afforded Plaintiff a

final opportunity to file an Amended Complaint. See Order, dated January 14, 2010, Seybert, D.J. The January 14, 2010 Order also warned Plaintiff that the failure to file an Amended Complaint by February 22, 2010 will result in dismissal of this action for failure to prosecute.

To date, the Plaintiff has not filed an Amended Complaint or otherwise communicated with the Court. Given the Plaintiff's failure to timely file an Amended Complaint, the Complaint is dismissed with prejudice. The Clerk of the Court is directed to close this case.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: March 9, 2010  
Central Islip, New York